IN THE UNITED STATES DISTRICT COURT

FOR THE

WESTERN DISTRICT OF PENNSYLVANIA

ERIE DIVISION

REGINALD THADDEUS GILBERTBEY,

PLAINTIFF,

VS

CIVIL CASE NUMBER: CA 05-69 ERIE

UNITED STATES OF AMERICA, INC.
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
AT FEDERAL CORRECTIONAL INSTITUTION-
MCKEAN, ET. AL.

CIVIL CLAIM UNDER § 1331 BIVINS

NOW COMES, REGINALD THADDEUS GILBERTBEY, Plaintiff PRO SE PLEADING FOR THIS SAID COURT'S LAWFUL INTERVENTION FOR ACCESS TO FILE FOR BOTH PUNITIVE AND COMPENSATORY DAMAGES CIVILY UNDER THE PROVISIONS PROVIDED AS DETERMINED BY THE § 1331 BIVINS, PRISONERS LITIGATION ACT, AND ALL ELSE AVAILABLE WITHIN THIS HONORABLE COURTS JURISDICTION.

CURRENTLY PLAINTIFF IS A FEDERAL PRISONER, CONFINED AT THE FEDERAL CORRECTIONAL INSTITUTE (FCI)-MCKEAN IN BRADFORD, PENNSYLVANIA. WHERE SINCE BEING TRANSFERRED HERE ON OR ABOUT NOVEMBER 18, 2004 PLAINTIFF HAS/IS SUFFERING DENIAL OF BASIC CONSTITUTIONAL RIGHTS (INCLUDING ACCESS TO THE FEDERAL COURTS), PROTECTIONS AND PROVISIONS UNDER THE EIGHTH AMENDMENT (AMONG OTHER CONSTITUTIONAL VIOLATIONS AND DENIALS, I.E. 1ST, 5th & 6th U.S.C.A.) EQUAL PROTECTION CLAUSE.

PLAINTIFF, HAS BEEN SUFFERING THE HORRENDOUS ABUSE OF AUTHORITY VESTED IN LOCAL INSTITUTIONAL U.S. GOVERNMENT DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS (B.O.P.), KNOWN AND UNKNOWN OFFICIALS HERE AT FCI-MCKEAN BY BEING MALICIOUSLY, NEFARIOUSLY, IN BIAS, DISCRIMINATION, AND PREJUDICE THROWN AND HOUSED IN THE SPECIAL HOUSING UNIT (SHU) "THE HOLE", UNDER ". . . . ADMINISTRATIVE DETENTION PENDING AN SIS (SPECIAL INVESTIGATIONS SERVICES) INVESTIGATION FOR YOUR POSSIBLE INVOLVEMENT IN ENCOURAGING A GROUP DEMONSTRATION, ..." SINCE "Date/Time: 2/10/5/8:00am".

PLAINTIFF IS SEEKING THIS HONORABLE COURT'S IMMEDIATE INJUCTIVE RELIEF, IN ORDER TO PERFECT AND COMPLY WITH THE INITIAL PHASES OF THE PRISON LITIGATION ACT, I.E. TO FILE ADMINISTRATIVE NOTICE TO B.O.P AUTHORITIES THROUGH FEDERAL TORT CLAIMS, AND ADMINISTRATIVE COMPLAINTS. WHICH PLAINTIFF IS CURRENTLY BEING DENIED BY LOCAL/INSTITUTIONAL OFFICIALS DENYING ACCESS AND PROVISIONS TO THE PRISON LAW LIBRARY (BOTH IN SHU AND GENERAL POPULATION), PENS AND PENCILS, PAPER AND STATIONARY, LEGAL COPIES, LEGAL PROPERTY, FORMS (I.E. TORT CLAIMS, ADMINISTRATIVE REMEDY FORMS.), TYPEWRITERS, AND THE FORWARDING AND PROCESSING OF SUCH FORMS; POSTAGE STAMPS, LEGAL AND PERSONAL ADDRESSES, WITNESSES BOTH STAFF AND INMATES.

ADDITIONALLY, PLAINTIFF IS SUFFERING BOTH PHYSICAL AND MENTAL ABUSE AND ANGUISH BY BEING DENIED MEDICAL TREATMENT, SLEEP, FOOD, CLOTHING PROVISIONS, RELIGIOUS WORSHIP, AND DUE PROCESS PROTECTIONS FROM REPRISALS AND RETALIATIONS BY STAFF; AND PLAINTIFF HAS LITERALLY BEEN ASSULTED BY STAFF SINCE ARRIVING AT FCI-MCKEAN. INCLUDING BEING FORCEFULLY AND CONSTIENTLY EXPOSED TO ENVIRONMENTAL TOBACCO SMOKE (ETS).

ALSO, PLAINTIFF IS PLEADING BEFORE THIS HONORABLE COURT, FOR A COURT ORDER TO BE EXAMINED UNDER A POLYGRAPH EXAMINATION TO ABATE, RESOLVE, AND FORMALLY PRESENT EVIDENCE TO B.O.P. AUTHORITIES AND THIS

HONORABLE COURT THAT (1) PLAINTIFF HAS NOT AT THIS TIME, NOR AT A PREVIOUSLY ALLEGED INCIDENT IN 1995 ". . . . ENCOURAGE(-ING)" OR PARTICIPATE IN ANY DISRUPTIVE OR ". . . GROUP DEMONSTRATION. . . .". (2) NOR IS PLAINTIFF CULPABLE IN ANY GROUP DEMONSTRATIONS ALLEGED IN VIOLATION OF ANY RULES AND POLICIES.

THEREFORE, PLAINTIFF IS SEEKING THAT THIS HONORABLE COURT PROVIDE AN INVESTIGATION INTO WHY, PLAINTIFF IS BEING DENIED THE PREVIOUSLY DENOTED CONSTITUTIONAL RIGHTS TO ATTEMPT TO PERFECT AND FILE A COMPLETE §1331 BIVINS CLAIM TO THIS COURT; WILL GRANT THE FOLLOWING REQUESTED INJUCTIVE RELIEF, AND COURT ORDER; AND HOLD THIS INITIAL COMPLAINT IN ABEYANCE, WITHOUT DISMISSING SUCH UNDER A GRANTING OF REQUEST FOR SUMMERY JUDGEMENT BY RESPONDENTS COUNSEL, OR A REVIEWING MAGISTRATE JUDGE.

REQUEST FOR INJUCTIVE RELIEF

PLAINTIFF, HEREBY PLEADS THAT THIS HONORABLE COURT GRANT THE FOLLOWING:

(1) THAT A INJUCTION/INJUNCTIVE ORDER BE INSTITUTED THAT PLAINTIFF NOT BE TRANSFERRED FROM FCI-MCKEAN, UNTIL ALL OF HIS COMPLAINTS, ISSUES, AND INITIAL FILINGS ARE BRIEFED AND FILED.

(2) THAT PLAINTIFF BE GRANTED IMMEDIATELY DAILY, SEVEN DAYS A WEEK AT LEAST FIVE HOURS PER DAY (OR MORE) ACCESS TO A LAW LIBRARY HERE AT THIS PRISON, AND PROVIDED WITH THE FOLLOWING:

A) ALL POLICY STATEMENTS OF THE B.O.P.
B.) TITLE 28 CFR, CHAPATER 5 4/3 TO END, 2005 EDITION
C) "SELF-HELP LITIGATION MANUEL" (TO BE USED IN ASSIGNED CELL IN HOUSING UNIT)
D.) "THE PRISONER'S SURVIVAL GUIDE" MANUEL (TO BE USED IN ASSIGNED IN CELL HOUSING UNIT.)

E.) COMPLETE BOOK OF MOTIONS AND LEGAL FORMS BY F. LEE BAILY.

F.) FEDERAL CIVIL RULES OF PROCEDURE (2005 EDITION)(TO BE ALLOWED TO BE TAKEN AND USED IN PLAINTIFF'S ASSIGNED CELL, JUST AS C.) & D.).)

G.) FEDERAL RULES OF CRIMINAL PROCEDURE (2005 EDITION)(TO BE ALLOWED TO BE TAKEN AND USED IN PLAINTIFF'S ASSIGNED CELL, JUST AS E.), D.), & F.).)

(3) THAT PLAINTIFF BE PROVIDED WITH A TYPEWRITER, WHICH INCLUDEDS A PRINT WHEEL, AND TYPING & ERASING RIBBONS.

(4) THAT PLAINTIFF BE PROVIDED WITH THE NECESSARY STATIONARY SUPPLIES TO PROVIDE ACCESS TO THE COURTS AND OTHER LEGAL AND PERSONAL CORRESPONDENCE

A.) INK PENS

B.) STATIONARY (INCLUDING TYPING PAPER AND LINED PAPER)

C.) LARGE LEGAL ENVELOPES (8½" x 11 OR 14)

D.) STANDARD SIZE LETTER ENVELOPES

(5) LEGAL COPIES: THAT PLAINTIFF BE PROVIDED WITH THE NECESSARY LEGAL COPIES OF ALL LEGAL DOCUMENTS, MATERIALS, AFFIDAVITS, TORT CLAIMS, ADMINISTRATIVE REMEDY COMPLAINTS; WITHOUT CHARGE AS LONG AS PLAINTIFF IS BEING HELD IN SHU.

(6) THAT PLAINTIFF BE PROVIDED WITH POSTAGE STAMPS FOR ALL LEGAL MAIL GOING TO THIS COURT; WITHOUT CHARGE.

(7) THAT PLAINTIFF BE IMMEDIATELY RELEASED FROM SHU AND SPECIFICALLY ASSIGNED TO A HOUSING UNIT AND CELL WHICH HOUSES ONLY TWO INMATES (NOT 10, 8, 3, OR MORE).

(8) THAT PLAINTIFF BE RETURNED TO HIS JOB ASSIGNMENT IN THIS INSTITUTION AS A RECREATION CLERK.

REQUEST FOR COURT ORDER

PLAINTIFF HEREBY ASKED THIS HONORABLE COURT TO ISSUE A COURT ORDER TO PROVIDE PLAINTIFF WITH A POLYGRAPH EXAMINATION REGARDING

THE ALLEGATIONS THAT HE IS CURRENTLY BEING HELD IN ADMINISTRATIVE DETENTION FOR, AND WHICH IMMEDIATE ALLEGATIONS AND REPRISALS ARE BASED ON PLAINTIFFS, ALLEGED "....HISTORY OF SUCH ACTS.... "BASED ON A PRE-CRACK RIOT INCIDENT IN 1995. SEVERAL B.O.P. ADMINISTRATORS AND OFFICIALS HAVE SPECIFICALLY TOLD PLAINTIFF, THAT HE IS CURRENTLY HELD IN SHU DUE TO PLAINTIFFS "PAST...." NOT ANY SPECIFIC EVIDENCE OF ALLEGED RULE VIOLATIONS (I.E. "....ENCOURAGING A GROUP DEMONSTRATION...." IMMEDIATELY. THEREFORE, B.O.P AUTHORITIES ARE DEMONSTRATING PREJUDICE, AND PRE-DISPOSITIONS BASED ON SUPPOSITIONS, WHICH PLAINTIFF BEING GIVEN A POLYGRAPH EXAMINATION WILL BE CLEARED UP (LORD WILLING). PLAINTIFF HAS REQUESTED ACCORDING TO B.O.P. THAT HE BE GIVEN A POLYGRAPH EXAMINATION THROUGH SIS, LIEUTENANT PFISTER, AND B.O.P ADMINISTRATORS; ONLY TO BE DENIED AND INFORMED THAT ACCORDING TO B.O.P. BEING DENIED SUCH A POLYGRAPH EXAMINATION WITHIN THE B.O.P, SUCH CAN THEN BE GRANTED BY COURT ORDER. ADDITIONALLY; PLAINTIFF PLANS TO FORMALLY PRESENT AFFIDAVITS AND EVIDENCES THAT HE HAS BEEN PUNISHED, AND IS CONTINUING TO BE PUNISHED, WHICH IS A CRUEL, UNUSUAL, AND VIOLATIVE OF DUE PROCESS, AS WELL AS THE EQUAL PROTECTION CLAUSE OF CONSTITUTIONAL PROVISIONS; FOR ACTIONS WHICH PLAINTIFF NEVER HAS, NOR HAS HE CURRENTLY PARTICIPATED IN.

WHERETOFORTH, PLAINTIFF IS SEEKING FORMA PAUPERIS STATUS, WHICH HE HAS REQUESTED A STANDARD FORM FROM THE CLERK OF SAID COURT FOR THE FILINGS REGARDING THIS GENERAL, INITIAL COMPLAINT. HOWEVER, PLAINTIFF SEEKS THE COURT'S ATTENTION TO HIS CURRENT EXPERIENCE THAT EVEN WITH A STANDARD FORM FROM THE COURTS, THAT WITH SOME COURT ORDER AND INJUNCTIVE RELIEFS, AUTHORITIES HERE AT FCI-MCKEAN WILL NOT PROCESS SUCH, NOR GRANT COPIES:

THEREFORE, PLAINTIFF REQUEST THAT THIS INITIAL COMPLAINT BE FILED WITH THE COURT, AND ALL FEES AND COST BE WAIVED AND/OR DEFERRED UNTIL THE COURT (LORD WILLING) GRANTS SOME INJUNCTIVE ORDERS AND RELIEF. FUTHER PLAINTIFF SAYETH NOT.

AS TO THE FOREGOING, PLAINTIFF SWEARS THE FACTS AND ALLEGATIONS ARE TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF, UNDER THE PENALTY OF PERJURY, PER TITLE 28 USC § 1746

DATED: February 27 /2005

Reginald T. gilbertBey
SIGNATURE OF PLAINTIFF

REGINALD T. GILBERTBEY
FEDERAL CORRECTIONAL INSTITUTION MCKEAN
P.O. BOX 8000
BRADFORD, PENNSYlavia 16701

CERTIFICATE OF SERVICE

I REGINALD T. GILBERTBEY, HEREBY DECLARE THAT I HAVE PLACED THE PREVIOUS LEGAL CIVIL COMPLAINT IN THE TRUST OF FEDERAL BUREAU OF PRISONS AUTHORITIES HERE AT FCI-MCKEAN TO BE PLACE IN THE U.S. POSTAL SERVICE POSSESSION FOR MAILING TO SAID FEDERAL COURT IN ERIE, PENNSYlavia WITH A PRE-PAID ENVELOPE. WHICH ALSO INCLUDES A LETTER TO THE CLERK OF THE COURT. SAID COMPLAINT HAS A TOTAL OF SIX PAGES.

DATED: February 27 /2005

Reginald T. gilbertBey

FILE

FEBRUARY 27, 2005

THE HONORABLE CLERK OF THE COURT
FOR THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
P.O. BOX 1820
ERIE, PENNSYLVANIA 16507

RE: REQUEST FILING OF ENCLOSED CIVIL COMPLAINT; COPIES OF SUCH; STANDARD FEDERAL LEGAL FORMS; AND FEDERAL AGENCIES CONTACT INFORMATION.

DEAR HONORABLE CLERK,

PLEASE, FILE THE ENCLOSED CIVIL COMPLAINT INTO THE COURT'S. I AM A FEDERAL PRISONER, CONFINED AT FCI-MCKEAN; I AM CURRENTLY HOUSED IN THE SPECIAL HOUSING UNIT (SHU), "THE HOLE" AND I AM BEING DENIED COPIES OF THIS ORIGINAL BY AUTHORITIES. PLEASE, PROVIDE ME WITH AT LEAST TWO (2) CERTIFIED AND ENDORSED COPIES OF THIS LETTER AND ENCLOSED CIVIL COMPLAINT; SIGNIFYING YOUR OFFICES' RECEIPT AND FILING OF SUCH.

I AM ALSO BEING DENIED INFORMATION AND ACCESS TO ALL GOVERNMENT AGENCIES, I.E. UNITED STATES DISTRICT ATTORNEY OFFICE, AND WHO TO FILE TOO AS RESPONDENTS LEGAL COUNSEL; please forward such to the NECESSARY PARTY OR PARTIES AND GRANT ME SUCH INFORMATION.

PLEASE, PROVIDE ME WITH THE NAME, ADDRESS, EMAIL/WEBSITE, AND TELEPHONE NUMBER(S) (ALSO FAX) TO THE LOCAL FEDERAL BUREAU OF INVESTIGATION (FBI) SPECIAL AGENT IN-CHARGE OF THIS LOCALE INFORMATION. Also, please provide ME WITH PERTINENT INFORMATION TOO ALL FEDERAL COURTS IN THE UNITED STATES.

PLEASE, PROVIDE ME WITH AT LEAST THREE (3) STANDARD FORMS OF THE FOLLOWING:

A) TITLE 28 USC § 2241 FORMS

B) 1331 BIVENS CIVIL COMPLAINT FORMS

C) FORMA PAUPERIS FORMS

D) SPECIFIC RULES OF CIVIL PROCEDURE FOR YOUR COURT

ALSO, PLEASE PROVIDE ME WITH YOUR COURT'S EMAIL, WEBSITE, AND FAX/TELEPHONE NUMBERS. I REQUEST THAT YOU ALSO PROVIDE ME WITH A DOCKET SHEET REGARDING MY COMPLAINT.

IN ADVANCE, I THANK YOU, VERY MUCH.

Reginald T. GilbertBey

REGINALD T. GILBERTBEY
REG. NO. 03854-078
FEDERAL CORRECTIONAL INSTITUTION MCKEAN
P.O. BOX 8000
BRADFORD, PENNSYLVANIA 16701

File